

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the October 16, 2006 Office action and have amended the application to more clearly set forth the invention. This Amendment C amends claims 1, 6, 13, 16, 17, 20, 26, 29, 33, 43, and 49, and cancels claims 11, 15, 18, 40, and 48. Claims 1-10, 12-14, 16, 17, 19-39, 41-47, 49, and 50 are thus presented in the application for further examination.

Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Applicants request that the Examiner consider the reference cited in the supplemental IDS dated October 20, 2006.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-19, 23-29, 33, 34, and 36-50

Claims 1-19, 23-29, 33, 34, and 36-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Serial No. 2002/0103920 to Berkun et al. ("Berkun") in view of U.S. Patent Application Serial No. 2002/0143976 to Barker et al. ("Barker"). Applicants respectfully disagree. None of the cited references, alone or in combination, teach or suggest the combination of elements in claims 1-19, 23-29, 33, 34, and 36-50.

Berkun teaches a method for retrieving media files and related data via a search system using metadata. (Berkun, para. [0023]). In Berkun, a score quantifying the degree of similarity between candidate metadata and valid metadata is calculated. The score is compared to a threshold value to either qualify or disqualify the database from which the valid metadata was obtained. The threshold value may be predetermined, constant, or adaptively determined in accordance with the range of calculated scores. (Berkun, para. [0047]). Barker discloses the efficient communication by an asset provider of updates to metadata describing characteristics of media content maintained for distribution by distribution endpoints. (Barker, para. [0002]).

In contrast, the present invention, as claimed in amended independent claim 1, includes "receiving one or more user-configurable reconciliation rules from a user" and "performing an action specified by the reconciliation rules based on the received trustworthiness rating". The Examiner is directed to FIG. 5 and para. [0048] et seq. in the Specification for support for these amendments. This is completely different from the cited references. At the very least, neither Berkun nor Barker discloses these claimed aspects.

For example, as the Examiner notes, FIG. 7 in Berkun discloses qualifying or disqualifying a potential ground truth database based on the threshold value. This figure and the supporting text in the specification of Berkun teaches away from the present invention by only disclosing a limited model for qualifying the potential ground truth database. As noted above, the threshold value may be predetermined, constant, or adaptively determined in accordance with the range of calculated scores. Berkun fails to disclose, suggest, or enable a method such as claimed in amended claim 1 in which an action, specified by user-configurable reconciliation rules based on the trustworthiness rating, is performed.

The teachings of Berkun and Barker, alone or in combination, fail to render obvious the subject matter claimed in amended claim 1.

Applicants submit that independent claims 13, 26, 33, and 43 should be allowable for at least the reasons that independent claim 1 is allowable. As such, the rejection of claims 13, 26, 33, and 43 should be removed. Applicants submit that the rejected dependent claims depending from the independent claims are allowable for at least the same reasons that the independent claims from which they depend are allowable.

Further regarding independent claim 33 and dependent claims 6, 8, 16, 29, 34, 36-38, 40, 41, 45, 46, and 48, the Examiner takes Official Notice that it would have been obvious to modify Berkun to prompt users to review metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user. Applicants submit that the claimed subject matter in claims 6, 8, 16, 29, 33, 34, 36-38, 40, 41, 45, 46, and 48 is not well known or considered to be common knowledge at least because none of the art of record

provides a clear and unmistakable technical line of reasoning underlying the statement. In addition, the facts asserted by the examiner to be well known in the above statement are not capable of instant and unquestionable demonstration as being well known by any of the art of record. In accordance with MPEP 2144.03 (C), Applicants request that the Examiner support the Official Notice with adequate documentary evidence or remove the rejection. Applicants further submit the Examiner is using hindsight analysis to combine Berkun with the Official Notice to reject claims 6, 8, 16, 29, 33, 34, 36-38, 40, 41, 45, 46, and 48. The Examiner's Official notice does not cure the deficiencies of Berkun. Thus, claims 6, 8, 16, 29, 33, 34, 36-38, 40, 41, 45, 46, and 48 is patentable and the rejection should be removed.

Claims 20-22, 30-32, and 35

Claims 20-22, 30-32, and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berkun in view of Barker, and further in view of U.S. Patent No. 5,761,677 to Senator et al. ("Senator"). Applicants respectfully disagree. None of the cited references, alone or in combination, teach or suggest the combination of elements in claims 20-22, 30-32, and 35.

Berkun and Barker are discussed above. Senator discloses file system functions for restoring previous versions of a file without data copy or log operations. (Senator, Summary).

In contrast, the present invention, as claimed in amended dependent claim 20, includes storing the other metadata state in a history data structure maintained in a file storing the media content (Specification, para. [0036]). This is completely different from the cited references. At the very least, none of the cited references disclose the claimed subject matter of claim 20. In fact, the cited art teaches away from the present invention by disclosing storage of the previous file versions as separate files (Senator, col. 4-6).

Similarly, the cited art fails to teach or suggest the subject matter claimed in claims 21, 22, 30-32, and 35. Nothing in the cited art discloses or suggests replacing or restoring metadata, a rollback module, or an authoring module as claimed in claims 20-

PATENT

22, 30-32, and 35. In addition, claims 20-22, 30-32, and 35 are patentable for at least the same reasons that the independent claims from which they depend are patentable.

Applicants further submit there is no basis for the Examiner's combining of Senator with Berkun and Barker to reject claims 20-22, 30-32, and 35. Senator creates file system functions for storing, restoring, and deleting versions of files in a file system. Berkun teaches a method for retrieving media files and related data via a search system using metadata. Barker discloses the efficient communication by an asset provider of updates to metadata describing characteristics of media content maintained for distribution by distribution endpoints. While Applicants do not admit that Berkun and Barker are analogous art, it is clear that the teachings of Senator are non-analogous with respect to Berkun and Barker, relate to a different field of endeavor, and are directed to an entirely different problem. Therefore, nothing in the cited references suggests the combination of Senator with Berkun and Barker. Applicants submit that the Examiner has applied, improperly, a hindsight analysis to combine Senator with Berkun and Barker using the invention as defined by the claims as a guide to pick and choose non-analogous references to reject claims 20-22, 30-32, and 35. See In re Oetiker, 977 F.2d at 1447; 24 U.S.P.Q.2d at 1446 (Fed. Cir. 1992)("There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself."). As such, the rejection of claims 20-22, 30-32, and 35 should be withdrawn.

The teachings of Berkun, Barker, and Senator, alone or in combination, fail to render obvious the subject matter claimed in claims 20-22, 30-32, and 35. As such, the rejection of these claims should be withdrawn.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that the pending claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

PATENT

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/James J. Barta, Jr./

James J. Barta, Jr., Reg. No. 47,409
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

JJB/cjl